

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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CHRISTOPHER JAVIER VAZQUEZ CARBUCCIA,

Plaintiff,

v.

1:22-CV-0196  
(GTS/CFH)

STATE OF NEW YORK; and SCHENECTADY  
COUNTY FAMILY COURT,

Defendants.

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APPEARANCES:

CHRISTOPHER JAVIER VAZQUEZ CARBUCCIA

Plaintiff, *Pro Se*

45 Arnold Avenue, Apt. 2

Amsterdam, New York 12010

GLENN T. SUDDABY, Chief United States District Judge

**DECISION and ORDER**

Currently before the Court, in this *pro se* civil rights action filed by Christopher Javier Vazquez Carbuccia (“Plaintiff”) against the State of New York and Schenectady Family Court (“Defendants”) is United States Magistrate Judge Christian F. Hummel’s Report-Recommendations recommending that Plaintiff’s Complaint be dismissed without prejudice and without prior leave to amend for lack of subject-matter jurisdiction. (Dkt. No. 8.)<sup>1</sup> Plaintiff has not filed an objection to the Report-Recommendation, and the deadline by which to do so has expired. (*See generally* Docket Sheet.)

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<sup>1</sup> The Court notes that, although Plaintiff was enjoined from litigating civil actions *pro se* in this District, that injunction was issued after he filed his Complaint in this action on March 2, 2022, and thus does not apply to this action. *In re: Christopher J. Vazquez*, 22-PF-0002, Pre-Filing Order, at 1-3 (N.D.N.Y. filed May 23, 2022).

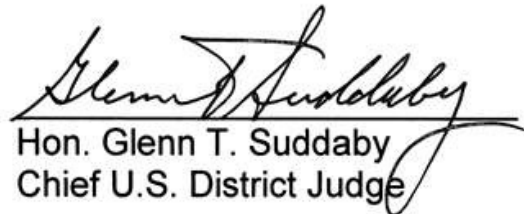
After carefully reviewing the relevant papers herein, including Magistrate Judge Hummel's thorough Report-Recommendation, the Court can find no clear-error in the Report-Recommendation.<sup>2</sup> Magistrate Judge Hummel employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons set forth therein, and Plaintiff's Complaint is dismissed without prejudice and without prior leave to amend.

**ACCORDINGLY**, it is

**ORDERED** that Magistrate Judge Hummel's Report-Recommendation (Dkt. No. 8) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

**ORDERED** that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED** without prejudice and without prior leave to amend.

Dated: August 4, 2022  
Syracuse, New York



Hon. Glenn T. Suddaby  
Chief U.S. District Judge

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<sup>2</sup> When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a "clear error" review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at \*1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).